

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

RODNEY JEROME SMITH

v.

UNITED STATES OF AMERICA

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No. 3:05-00545  
JUDGE CAMPBELL

ORDER


Pending before the Court is a Motion Under 28 U.S.C. § 2255 To Vacate, Set Aside Or Correct Sentence (Docket No. 1), filed by the Movant/Petitioner (hereinafter “Petitioner”), pro se. The Court appointed counsel for Petitioner (Docket No. 12), who has filed a brief in support of the Motion (Docket No. 23). The Government has filed briefs in opposition to the Motion (Docket Nos. 8, 24).

The Court has reviewed the pleadings and briefs filed by both parties, the record of Petitioner's underlying conviction, and the entire record in this case. For the reasons set forth in the accompanying Memorandum, the Court concludes that Petitioner's Motion is GRANTED. The Court VACATES Petitioner's sentence, conviction, plea agreement, and acceptance thereof. On or before May 5, 2006, the parties shall each file a notice in the underlying criminal case, Case No. 3:03-00142, of the status of the proceedings in light of this Memorandum and Order.

Petitioner's Motion Of Notice (Docket No. 4) and Motion To Supplement (Docket No. 6), filed pro se, are GRANTED.

This Order shall constitute the judgment in this case pursuant to Fed. R. Civ. P. 58.

It is so ORDERED.

  
TODD J. CAMPBELL  
UNITED STATES DISTRICT JUDGE

